

Zoning Regulation Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Applicant Information

1	Applicant Name	Alan Schneider
2	Mailing street address or Post Office Box	12598 Clarksville Pike
	City, State	Clarksville, MD
	ZIP Code	21029
	Telephone (Main)	202.489.4831
	Telephone (Secondary)	
	Fax	
3	E-Mail	ajs333@aol.com

Rec Dec 20, 12
20 clarification
to package submitted
12/14/12

B. Representative Information (If different than above).

4	Name	
	Mailing street address or Post Office Box	
	City, State	
	ZIP	
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
	E-Mail	
5	Association with Applicant	

C. Brief Description of the Requested Zoning Regulation Amendment

6	To amend Section 100 of the Zoning Regulations to require Applicants to provide more information to the Department and interested persons to facilitate expeditious and complete review of projects and to ensure compliance with health, welfare, and environmental codes and regulations. To amend Section 130. C of the Zoning Regulations to describe the factors to be considered by the Hearing Authority consistent with PlanHoward2030. To amend Section 103 of the Zoning Regulations to add definitions of the words "transition", "compatible", and "building envelope". [amended to delete words for clarity. 12/19/2012]
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D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 The proposed amendments are critically needed to include the main essentials of Plan Howard2030 into the Zoning Regulations. The Overview of PlanHoward2030 states that there are "two overarching Maryland visions that guide PlanHoward2030: Quality of Life & Sustainability and Public Participation. The second section, Environment, addresses two visions: Environmental Protection and Resource Conservation." Howard County residents need assurances that zoning regulations are protecting their quality of life, sustainability, and natural resources. Recent experiences with the application, interpretation and administration of existing zoning procedures have greatly impacted the credibility of the County's commitment to the sustainability of the quality of their lives, and the health and safety of their friends and families.

The addition to Section 100 of the General Provisions is needed to facilitate and expedite Department review of new and old codes and regulations, and aid Howard County achieve compliance. Developers employ knowledgeable experts to evaluate proposed projects, including compliance review. This information should be provided to the Department and to the public at the earliest time. Making it available to the public will enable public participation as promised in PlanHoward2030. Developers and their attorneys now provide as little information as possible, even though it is within their possession or easy for them to obtain, in order to bypass or avoid compliance with health, safety and environmental regulations.

12. The definition of "building envelope" is added because it has been misinterpreted by a Petitioner double counting other protected areas to reduce the amount of important green space which is much needed to preserve our natural resources and protect our most important resource; water. The definitions of "compatible" and "transition" found in a standard dictionary are too numerous and do not provide needed guidance in the context of zoning.

E. List of Attachments/Exhibits

- 8 Proposed text amendments are attached.

F. Signatures

9	Applicant	s/Alan Schneider	Applicant (2)	s/Tiru Liang
	Date	Amendment to 12/14/2012 Request	Date	Amendment to 12/14/2012 Request
<input type="checkbox"/> Additional applicant signatures? X the box to the left and attach a separate signature page.				

10	Representative Signature	
	Date	

DPZ Use Only	Amendment No.	
Notes		

Petitioner's Proposed Text

(CAPITALS indicates text to be added; [[brackets indicates text to be deleted]]

AMENDMENT TO SECTION 100: General Provisions

H. Department of Planning and Zoning Public Hearings

Where the Director of Planning and Zoning is authorized by these regulations to hold a public hearing and decide upon certain matters, the following requirements apply:

1. Applications

Applications shall be submitted to the Department of Planning and Zoning and shall include information required by the Department. THE INFORMATION SHALL INCLUDE ALL INFORMATION NEEDED BY THE DEPARTMENT TO FACILITATE AND TO EXPEDITE ITS REVIEW AND REVIEW BY INTERESTED PARTIES. THE REQUIRED INFORMATION SHALL INCLUDE:

- CITATIONS OF HOWARD COUNTY AND STATE OF MARYLAND CODES AND REGULATIONS WHICH MAY APPLY AND HAVE BEEN REVIEWED;
- DATA, STUDIES AND INFORMATION NEEDED FOR DEPARTMENT EVALUATION OF COMPLIANCE WITH HOWARD COUNTY AND STATE OF MARYLAND CODES AND REGULATIONS, INCLUDING COMPREHENSIVE TRAFFIC STUDIES AND PROPERTY SURVEYS;
- AN ANALYSIS AND STATEMENTS OF COMPLIANCE WITH HOWARD COUNTY AND STATE OF MARYLAND CODES AND REGULATIONS, TOGETHER WITH SUPPORTING DOCUMENTATION FROM INDEPENDENT QUALIFIED EXPERTS; AND
- ALL INFORMATION NEEDED TO ENSURE COMPLIANCE WITH HOWARD COUNTY CODE SECTION 16.157.

THE DEPARTMENT SHALL NOT APPROVE ANY APPLICATION WHICH:

- DOES NOT PROVIDE THE REQUIRED INFORMATION, OR
- WHICH IS LATER FOUND TO BE INCOMPLETE, OR
- IS FOUND TO BE IN ANY WAY NONCOMPLIANT WITH CODES AND REGULATIONS PROTECTING THE PUBLIC HEALTH, WELFARE, AND SAFETY.

THE DEPARTMENT WILL MAKE THE REQUIRED INFORMATION AVAILABLE TO THE PUBLIC ELECTRONICALLY AS SOON AS POSSIBLE AFTER IT IS SUBMITTED TO THE DEPARTMENT, BUT NO LATER THAN 30 DAYS PRIOR TO ANY MEETINGS OR HEARINGS.

Petitioner's Proposed Text

(CAPITALS indicates text to be added; [brackets indicates text to be deleted]

AMENDMENT TO SECTION 130. C.

C. Limitations, Guides and Standards

Where in these regulations certain powers are conferred upon the Hearing Authority, or the Hearing Authority is called upon to decide certain issues, such Hearing Authority shall examine the specific property involved and the immediate neighborhood. The application shall not be approved where the Hearing Authority finds that the proposed structure, addition, extension of structure or use, use or change of use, would menace the public health, safety, security, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Hearing Authority shall give consideration, among other things, to the following:

1. The number of people residing, working or studying in the immediate areas.
2. Traffic conditions including facilities for pedestrians, such as sidewalks and safety zones and parking facilities and the access of cars to highways.
3. The orderly growth of the community.
4. The reasonable needs of the [entire] EXISTING RESIDENTIAL communit[y]IES and particular neighborhoods, INCLUDING RESPECT FOR AND CONSIDERATION OF LIVABILITY FACTORS AFFECTING DOCUMENTED GROWTH OF ASIAN AND OTHER CULTURES.
5. The legislative intent of these regulations as provided in Section 100.A.
6. The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.
7. Facilities for sewers, water supply, solid waste collection and disposal and the ability of the County to supply such services.
8. Availability of fire-fighting equipment.
9. Decisions of the Circuit Court for Howard County, [and] the Court of Appeals of Maryland, AND THE SUPREME COURT OF THE UNITED STATES OF AMERICA.
10. The effect of such use upon the peaceful enjoyment of people in their homes.
11. The most appropriate use of land and structures.
12. The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, churches, theaters, hospitals and the like.
13. The General Plan for Howard County including master plans for land use, highways, recreation and parks, schools, sewers, water, conservation and the like.
14. The effect of the proposed use or development on the natural, environmental or landscape resources of the site and adjacent sites, including such resources or features as historic resources, floodplains, wetlands, steep slopes and vegetation.

Petitioner's Proposed Text

(CAPITALS indicates text to be added; [[brackets indicates text to be deleted]]

1. AMENDMENT: TO SECTION 103:

Definitions

A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:

{number}. BUILDING ENVELOPE: THE BUILDING ENVELOPE IS A CLEARLY DELINEATED AREA WITHIN WHICH A BUILDING IS TO BE ENTIRELY LOCATED BUT WHICH IS LARGER THAN THE AREA COVERED BY THE BUILDING. FOR CALCULATING GREEN SPACE THE BUILDING ENVELOPE SHALL NOT BE USED TO REDUCE THE REQUIRED GREEN SPACE BY INCLUDING IN THE CALCULATION OF GREEN SPACE OTHER AREAS, INCLUDING PARKING ISLANDS, SETBACKS FROM PROPERTY LINES, PUBLIC STREET RIGHTS-OF-WAY, STREAM BUFFERS, WETLAND BUFFERS, AND STORMWATER MANAGEMENT FACILITIES.

{number}. COMPATIBLE: COMPATIBLE MEANS CONFORMITY TO THE AREA INCLUDING CHARACTER, SIZE, STRUCTURE, DESIGN, USE OF PROPERTY, TRAFFIC AND CONFORMITY WITH LIVABILITY FOR EXISTING RESIDENTIAL COMMUNITIES.

{number}. TRANSITION: TRANSITION MEANS A SMALL CHANGE IN THE AREA BETWEEN THE PRIMARY USE, CHARACTER OR COMPOSITION IN ONE AREA TO A MUCH DIFFERENT PRIMARY USE, CHARACTER OR COMPOSITION ON THE OTHER SIDE OF THE TRANSITION AREA. A TRANSITION AREA BETWEEN ONE PRIMARILY RESIDENTIAL AREA OF INDIVIDUAL HOMES ON SMALL LOTS ON ONE SIDE OF THE TRANSITION AREA TO AN AREA ON THE OTHER SIDE WHICH HAS LARGER INDIVIDUAL HOMES ON MORE THAN ONE ACRE WOULD NOT INCLUDE IN THE TRANSITION AREA ANY COMMERCIAL DEVELOPMENT, NOR WOULD IT INCLUDE MULTIPLE UNIT RESIDENCES SUCH AS CONDOMINIUMS, APARTMENT STRUCTURES, TOWNHOUSES, OR MULTI-STORY RESIDENTIAL STRUCTURES.

{All definitions shall be renumbered accordingly.}

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*Superseded by
Schmitt 12/20/12*

RECEIVED
DEC 14 2012
DIV. OF PUBLIC SERVICE & ZONING

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